

STAYED,TYPE-I

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:14-cv-01902-EGS**

ORGANIZATION FOR COMPETITIVE MARKETS v.  
OFFICE OF INSPECTOR GENERAL  
Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/12/2014  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ORGANIZATION FOR  
COMPETITIVE MARKETS**

represented by **Matthew Eric Penzer**  
HUMANE SOCIETY OF THE UNITED  
STATES  
Animal Protection Litigation  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**OFFICE OF INSPECTOR GENERAL**  
*United States Department of Agriculture*

represented by **Rhonda Lisa Campbell**  
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DISTRICT OF COLUMBIA  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Laura Emily Jennings**  
U.S. ATTORNEY'S OFFICE FOR THE  
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**TERMINATED: 02/27/2015**

V.

**Intervenor Defendant**

**NATIONAL CATTLEMEN'S BEEF  
ASSOCIATION**

represented by **Daniel C. Schwartz**  
BRYAN CAVE LEIGHTON PAISNER  
LLP  
1155 F Street, NW  
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## ATTORNEY TO BE NOTICED

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 ATTORNEY TO BE NOTICED

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 11/12/2014 | <u>1</u> | COMPLAINT against OFFICE OF INSPECTOR GENERAL <i>USDA</i> ( Filing fee \$ 400 receipt number 0090-3901278) filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Penzer, Matthew) (Entered: 11/12/2014)   |
| 11/12/2014 | <u>2</u> | Corporate Disclosure Statement by ORGANIZATION FOR COMPETITIVE MARKETS. (Penzer, Matthew) (Entered: 11/12/2014)  |
| 11/12/2014 |          | Case Assigned to Judge Emmet G. Sullivan. (rd) (Entered: 11/12/2014)   |
| 11/12/2014 | <u>3</u> | SUMMONS (3) Issued Electronically as to OFFICE OF INSPECTOR GENERAL, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form, # <u>2</u> Notice of Consent)(rd) (Entered: 11/12/2014)  |
| 12/01/2014 | <u>4</u> | NOTICE of Appearance by Laura Emily Jennings on behalf of OFFICE OF INSPECTOR GENERAL (Jennings, Laura) (Entered: 12/01/2014)  |
| 12/08/2014 | <u>5</u> | Unopposed MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Complaint</i> by OFFICE OF INSPECTOR GENERAL (Jennings, Laura) (Entered: 12/08/2014)   |
| 12/08/2014 |          | MINUTE ORDER granting <u>5</u> defendant's unopposed motion for extension of time. Defendant shall file its response to the Complaint by no later than January 20, 2015. Signed by Judge Emmet G. Sullivan on December 8, 2014. (lcegs2) (Entered: 12/08/2014)   |
| 12/09/2014 |          | Set/Reset Deadlines: Answer due by 1/20/2015. (mac) (Entered: 12/09/2014)  |
| 01/20/2015 | <u>6</u> | ANSWER to Complaint by OFFICE OF INSPECTOR GENERAL.(Jennings, Laura) (Entered: 01/20/2015)   |
| 01/20/2015 |          | MINUTE ORDER directing the parties to file a joint status report, including recommendations for further proceedings and a proposed briefing schedule, by no later than February 3, 2015. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on January 20, 2015. (lcegs2) (Entered: 01/20/2015) |
| 01/21/2015 |          | Set/Reset Deadlines: Individual Recommendation or Joint Status Report due by 2/3/2015 (mac) (Entered: 01/21/2015)  |
| 02/03/2015 | <u>7</u> | Joint MOTION for Extension of Time to <i>file joint status report</i> by OFFICE OF INSPECTOR GENERAL (Jennings, Laura) (Entered: 02/03/2015)   |
| 02/03/2015 |          | MINUTE ORDER granting <u>7</u> joint motion for extension of time. The parties shall file their joint status report, including their recommendations for further proceedings and a proposed briefing schedule, by no later than February 17, 2015. Signed by Judge Emmet G. Sullivan on February 3, 2015. (lcegs2) (Entered: 02/03/2015)   |
| 02/04/2015 |          | Set/Reset Deadlines: Joint Status Report due by 2/17/2015. (mac) (Entered: 02/04/2015)   |

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| 02/18/2015 | <u>8</u>  | Joint MOTION for Extension of Time to <i>file joint status report</i> by OFFICE OF INSPECTOR GENERAL (Jennings, Laura) (Entered: 02/18/2015)   |
| 02/19/2015 |           | MINUTE ORDER granting <u>8</u> joint motion for extension of time. The parties shall file their joint status report, including their recommendations for further proceedings and a proposed briefing schedule, by no later than March 4, 2015. Signed by Judge Emmet G. Sullivan on February 19, 2015. (lcegs2) (Entered: 02/19/2015)  |
| 02/19/2015 |           | Set/Reset Deadlines: Joint Status Report due by 3/4/2015. (mac) (Entered: 02/19/2015)  |
| 02/27/2015 | <u>9</u>  | NOTICE OF SUBSTITUTION OF COUNSEL by Rhonda Lisa Campbell on behalf of OFFICE OF INSPECTOR GENERAL Substituting for attorney Laura E. Jennings (Campbell, Rhonda) (Entered: 02/27/2015)  |
| 03/04/2015 | <u>10</u> | Joint MOTION for Extension of Time to <i>File Joint Status Report</i> by OFFICE OF INSPECTOR GENERAL (Campbell, Rhonda) (Entered: 03/04/2015)  |
| 03/04/2015 |           | MINUTE ORDER granting <u>10</u> joint motion for extension of time. The parties shall file their joint status report, including their recommendations for further proceedings and a proposed briefing schedule, by no later than March 25, 2015. Signed by Judge Emmet G. Sullivan on March 4, 2015. (lcegs2) (Entered: 03/04/2015)  |
| 03/06/2015 |           | Set/Reset Deadlines: Joint Status Report due by 3/25/2015. (mac) (Entered: 03/06/2015)   |
| 03/25/2015 | <u>11</u> | Joint MOTION for Extension of Time to <i>File Joint Status Report</i> by OFFICE OF INSPECTOR GENERAL (Campbell, Rhonda) (Entered: 03/25/2015)  |
| 03/25/2015 |           | MINUTE ORDER granting <u>11</u> joint motion for extension of time. The parties shall file their joint status report, including their recommendations for further proceedings, by no later than April 1, 2015. Signed by Judge Emmet G. Sullivan on March 25, 2015. (lcegs2) (Entered: 03/25/2015)   |
| 03/26/2015 |           | Set/Reset Deadlines: Status Report due by 4/1/2015. (mac) (Entered: 03/26/2015)  |
| 04/01/2015 | <u>12</u> | STATUS REPORT ( <i>JOINT</i> ) by ORGANIZATION FOR COMPETITIVE MARKETS. (Attachments: # <u>1</u> Text of Proposed Order)(Penzer, Matthew) (Entered: 04/01/2015)  |
| 04/01/2015 | <u>13</u> | Joint MOTION to Stay <i>Proceedings</i> by ORGANIZATION FOR COMPETITIVE MARKETS (Attachments: # <u>1</u> Text of Proposed Order)(Penzer, Matthew) (Entered: 04/01/2015)  |
| 04/07/2015 |           | MINUTE ORDER. The Court, sua sponte, schedules a status hearing for April 15, 2015 at 1:30 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on April 7, 2015. (lcegs2) (Entered: 04/07/2015)   |
| 04/07/2015 |           | Set/Reset Hearings: Status Conference set for 4/15/2015 at 1:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 04/07/2015)  |
| 04/15/2015 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 4/15/2015. Status Conference set for 10/15/2015 at 12:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (Court Reporter SCOTT WALLACE.) (mac) (Entered: 04/15/2015)   |
| 04/15/2015 |           | MINUTE ORDER. In accordance with the discussion held on the record during the April 15, 2015 status hearing, it is hereby ORDERED as follows: <u>13</u> the parties' joint motion to stay proceedings is GRANTED. This case is hereby STAYED until April 30, 2016. The government shall file, on the first business day of each month, a status report summarizing its monthly production and the overall status of the government's review and production of documents in this case. The Court will hold a status hearing on October 15, 2015 at 12:00 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on April 15, 2015. (lcegs2) (Entered: 04/15/2015) |
| 04/16/2015 |           | Case Stayed until 4/30/16. (mac) (Entered: 04/16/2015)   |
| 05/01/2015 | <u>14</u> | STATUS REPORT <i>Joint</i> by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 05/01/2015)  |

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| 06/01/2015 | <u>15</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 06/01/2015)  |
| 07/01/2015 | <u>16</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 07/01/2015)  |
| 08/03/2015 | <u>17</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 08/03/2015)  |
| 09/01/2015 | <u>18</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 09/01/2015)  |
| 09/29/2015 | <u>19</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 09/29/2015)  |
| 10/15/2015 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 10/15/2015. Status Report due by 5/9/2016. Status Conference set for 5/11/2016 at 12:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (Court Reporter WILLIAM ZAREMBA.) (mac) (Entered: 10/15/2015)   |
| 11/02/2015 | <u>20</u> | Monthly STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 11/02/2015)  |
| 12/01/2015 | <u>21</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 12/01/2015)  |
| 01/03/2016 | <u>22</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 01/03/2016)  |
| 02/01/2016 | <u>23</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 02/01/2016)  |
| 03/01/2016 | <u>24</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 03/01/2016)  |
| 04/05/2016 | <u>25</u> | Unopposed MOTION for Leave to File <i>Defendant's April 2016, Status Report</i> by OFFICE OF INSPECTOR GENERAL (Attachments: # <u>1</u> Exhibit April 2016 Status Report)(Campbell, Rhonda) (Entered: 04/05/2016)   |
| 04/05/2016 |           | MINUTE ORDER granting <u>25</u> defendant's unopposed motion for leave to file status report out of time. Defendant's status report, as attached to defendant's motion for leave to file out of time, is hereby deemed timely filed. Signed by Judge Emmet G. Sullivan on April 5, 2016. (lcegs3) (Entered: 04/05/2016)   |
| 04/05/2016 | <u>26</u> | STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (jf) (Entered: 04/06/2016)  |
| 05/09/2016 | <u>27</u> | Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 05/09/2016)  |
| 05/10/2016 |           | MINUTE ORDER re <u>27</u> parties' joint status report. In view of the parties' joint status report, it is hereby ORDERED that the parties shall submit a further status report by no later than July 1, 2016. It is further ORDERED that the status hearing currently scheduled for May 11, 2016 will now take place on July 13, 2016 at 1:30 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on May 10, 2016. (lcegs3, ) (Entered: 05/10/2016) |
| 05/11/2016 |           | Set/Reset Hearings: Status Conference set for 7/13/2016 at 1:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 05/11/2016)   |
| 05/11/2016 | <u>28</u> | NOTICE to the Court by OFFICE OF INSPECTOR GENERAL re Order, Set/Reset Hearings (Campbell, Rhonda) (Entered: 05/11/2016)  |
| 05/12/2016 |           | MINUTE ORDER re <u>28</u> defendant's notice to the Court. Pursuant to defendants' request, the status hearing previously scheduled for July 13, 2016 will now take place on July 20, 2016 at 12:00 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on May 12, 2016. (lcegs3) (Entered: 05/12/2016)  |
| 05/12/2016 |           | Set/Reset Hearings: Status Conference set for 7/20/2016 at 12:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 05/12/2016)  |

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| 07/01/2016 | <u>29</u> | Joint STATUS REPORT by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 07/01/2016)  |
| 07/18/2016 |           | MINUTE ORDER. Due to the Court's calendar, the status hearing previously scheduled for July 20, 2016 at 12:00 p.m. will now take place on July 20, 2016 at 2:30 p.m. in Courtroom 24A. PLEASE NOTE THE TIME CHANGE. The Court regrets any inconveniences to the parties. Signed by Judge Emmet G. Sullivan on July 18, 2016. (lcegs3) (Entered: 07/18/2016)   |
| 07/18/2016 |           | Set/Reset Hearings: Status Conference set for 7/20/2016 at 2:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 07/18/2016)   |
| 07/18/2016 | <u>30</u> | Joint MOTION for Extension of Time to <i>for July 20, 2016 Status Hearing</i> by OFFICE OF INSPECTOR GENERAL (Campbell, Rhonda) (Entered: 07/18/2016)   |
| 07/18/2016 |           | MINUTE ORDER granting <u>30</u> joint motion to reschedule status hearing. The status hearing previously scheduled for July 20, 2016 will now take place on July 22, 2016 at 2:00 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on July 18, 2016. (lcegs3) (Entered: 07/18/2016)   |
| 07/19/2016 | <u>31</u> | NOTICE <i>to the Court</i> by OFFICE OF INSPECTOR GENERAL re Order on Motion for Extension of Time to, (Campbell, Rhonda) (Entered: 07/19/2016)   |
| 07/19/2016 |           | Set/Reset Hearings: Status Conference set for 7/22/2016 at 2:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 07/19/2016)   |
| 07/20/2016 |           | MINUTE ORDER re <u>31</u> defendant's notice to the Court. The status hearing previously scheduled for July 22, 2016 will now take place on July 21, 2016 at 3:00 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on July 20, 2016. (lcegs3) (Entered: 07/20/2016)   |
| 07/20/2016 |           | Set/Reset Hearings: Status Conference set for 7/21/2016 at 3:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 07/20/2016)   |
| 07/21/2016 |           | MINUTE ORDER. Due to unforeseen circumstances, the status hearing previously scheduled for July 21, 2016 at 3:00 p.m. will now take place on July 21, 2016 at 3:30 p.m. in Courtroom 24A. PLEASE NOTE THE TIME CHANGE. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on July 21, 2016. (lcegs3) (Entered: 07/21/2016) |
| 07/29/2016 |           | MINUTE ORDER. The Court shall hold a status hearing in this matter on August 23, 2016 at 12:00 p.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on July 29, 2016. (lcegs3) (Entered: 07/29/2016)  |
| 07/29/2016 |           | Set/Reset Hearings: Status Conference set for 8/23/2016 at 12:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 07/29/2016)  |
| 08/10/2016 |           | MINUTE ORDER. Due to the Court's calendar, the status hearing previously scheduled for August 23, 2016 at 12:00 p.m. will now take place on August 23, 2016 at 12:30 p.m. PLEASE NOTE THE TIME CHANGE. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on August 10, 2016. (lcegs3) (Entered: 08/10/2016)               |
| 08/23/2016 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 8/23/2016. The Parties Will Submit A Proposed Order To The Court. Status Conference set for 10/13/2016 at 11:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (Court Reporter SCOTT WALLACE.) (mac) (Entered: 08/23/2016)                                   |
| 08/25/2016 | <u>32</u> | NOTICE of Proposed Order by ORGANIZATION FOR COMPETITIVE MARKETS (Penzer, Matthew) (Entered: 08/25/2016)  |
| 08/31/2016 | <u>33</u> | MOTION for Order by OFFICE OF INSPECTOR GENERAL (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration William Allen, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4)(Campbell, Rhonda) (Entered: 08/31/2016)  |
| 09/13/2016 | <u>34</u> | MOTION to Intervene by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order, # <u>3</u> Answer, # <u>4</u> Local Rule 7.1 Certification)(Schwartz, Daniel) (Entered: 09/13/2016)   |



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| 09/13/2016 | <u>35</u> | NOTICE of Appearance by Bryan J. Harrison on behalf of NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Harrison, Bryan) (Entered: 09/13/2016)   |
| 09/19/2016 | <u>36</u> | RESPONSE re <u>33</u> MOTION for Order filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Penzer, Matthew) (Entered: 09/19/2016)  |
| 09/30/2016 | <u>37</u> | RESPONSE re <u>34</u> MOTION to Intervene filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Attachments: # <u>1</u> Text of Proposed Order)(Penzer, Matthew) (Entered: 09/30/2016)   |
| 10/05/2016 | <u>38</u> | REPLY to opposition to motion re <u>34</u> MOTION to Intervene filed by NATIONAL CATTLEMEN'S BEEF ASSOCIATION. (Attachments: # <u>1</u> Declaration of Douglas L. Evans (Second))(Schwartz, Daniel) (Entered: 10/05/2016)  |
| 10/11/2016 |           | MINUTE ORDER. Due to the Court's calendar, it is necessary to reschedule the status hearing currently scheduled for October 13, 2016. The status hearing will now take place on October 27, 2016 at 3:30 p.m. in Courtroom 24A. It is FURTHER ORDERED that William Allen, Agricultural Marketing Service's Director of the Legislative and Regulatory Review Staff, be present at this hearing. It is FURTHER ORDERED that counsel for prospective defendant-intervenor National Cattlemen's Beef Association be present at this hearing. Signed by Judge Emmet G. Sullivan on 10/11/2016. (lcegs3) (Entered: 10/11/2016)  |
| 10/12/2016 |           | Set/Reset Hearings: Status Conference set for 10/27/2016 at 3:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 10/12/2016)   |
| 10/25/2016 | <u>39</u> | ORDER granting <u>34</u> Motion to Intervene. Signed by Judge Emmet G. Sullivan on 10/25/2016. (lcegs3) (Entered: 10/25/2016)  |
| 10/25/2016 | <u>40</u> | ENTERED IN ERROR.....MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on 10/25/2016. (lcegs3) Modified on 11/4/2016 (mac). (Entered: 10/25/2016)  |
| 10/25/2016 | <u>41</u> | ANSWER to Complaint by NATIONAL CATTLEMEN'S BEEF ASSOCIATION.(znmw) (Entered: 10/26/2016)  |
| 10/25/2016 | <u>42</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (znmw) (Entered: 10/26/2016)   |
| 10/25/2016 | <u>45</u> | MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on 10/25/16. (mac) (Entered: 11/04/2016)   |
| 10/27/2016 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 10/27/2016. Parties To Submit Order To The Court by 10/28/2016., Status Conference set for 12/13/2016 at 10:30 AM in Courtroom 24A before Judge Emmet G. Sullivan.). (Court Reporter SCOTT WALLACE.) (mac) (Entered: 10/27/2016)   |
| 10/28/2016 | <u>43</u> | NOTICE of Proposed Order by OCM and OIG by OFFICE OF INSPECTOR GENERAL re Status Conference, Set Deadlines/Hearings,, (Campbell, Rhonda) (Entered: 10/28/2016)   |
| 10/31/2016 | <u>44</u> | MOTION for Order and for Permission to File Out-of-Time by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Blackline of Proposed Orders)(Harrison, Bryan). Added MOTION for Leave to File on 11/1/2016 (znmw). (Entered: 10/31/2016)   |
| 11/02/2016 |           | MINUTE ORDER denying as moot <u>33</u> OIG's motion for order. Upon consideration of the parties' proposed orders, NCBA's motion for a proposed order and for permission to file out-of-time, and the discussion during the October 27, 2016 status conference, it is FURTHER ORDERED that <u>44</u> NCBA's motion for order and for permission to file out-of-time is granted in part and denied in part. It is FURTHER ORDERED that by no later than November 9, 2016, OIG shall provide notice to the Court and the parties of its intent related to reprocessing certain records produced to OCM. In that notice OIG shall also indicate, if OIG intends to reprocess, the number of records it will reprocess and how long the reprocessing will take. It is FURTHER ORDERED that by no later than November 9, 2016, AMS shall provide to NCBA an index of all potentially responsive records that have been submitted by NCBA and that are in AMS's possession. It is FURTHER ORDERED that by no later than November 16, |

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|            |           | 2016, AMS shall provide to NCBA electronic copies of the records specified in the index. It is FURTHER ORDERED that by no later than December 1, 2016, NCBA shall inform the Court and the parties of a reasonable deadline by which it will complete its review and assessment of the records for purposes of recommending to AMS whether any records contain NCBA's confidential and proprietary business information that should not be disclosed to OCM. It is FURTHER ORDERED that AMS shall provide reasonable notice to NCBA of any determination to disclose NCBA records that NCBA has claimed are exempt from disclosure as confidential and proprietary business information so that NCBA can bring its claimed exemptions to the attention of the Court prior to any disclosure occurring. It is FURTHER ORDERED that if NCBA and AMS agree that certain records should be withheld as NCBA's confidential and proprietary business information, NCBA and AMS shall provide an appropriate Vaughn index to OCM as to those agreed-upon records. It is FURTHER ORDERED that all future records released to OCM shall be in electronic format. It is FURTHER ORDERED that the agency representatives and counsel present at the October 27, 2016 status conference shall be present at the December 13, 2016 status conference at 10:30 a.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 11/2/2016. (lcegs3) (Entered: 11/02/2016)  |
| 11/10/2016 | <u>46</u> | NOTICE <i>to the Court</i> by OFFICE OF INSPECTOR GENERAL re Order on Motion for Order,,,,,,,,,,,,, Order on Motion for Leave to File,,,,,,,,, (Campbell, Rhonda) (Entered: 11/10/2016)  |
| 11/30/2016 | <u>47</u> | NOTICE <i>to the Court and Parties</i> by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Harrison, Bryan) (Entered: 11/30/2016)  |
| 12/13/2016 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 12/13/2016. Plaintiff Will Submit Proposed Order To The Court. Interim Status Report due by 2/8/2017, Supplemental Status Report due by 2/28/2017. Status Conference set for 3/8/2017 at 10:30 AM in Courtroom 24A before Judge Emmet G. Sullivan. (Court Reporter SCOTT WALLACE.) (mac) (Entered: 12/13/2016)   |
| 12/15/2016 | <u>48</u> | NOTICE of Proposed Order by ORGANIZATION FOR COMPETITIVE MARKETS (Penzer, Matthew) (Entered: 12/15/2016)   |
| 12/16/2016 | <u>49</u> | MOTION for Order by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order)(Schwartz, Daniel) (Entered: 12/16/2016)   |
| 12/19/2016 |           | MINUTE ORDER. It is hereby ORDERED that by no later than January 17, 2017, OIG shall complete its reprocessing of records that OIG identified in its Notice to the Court on November 10, 2016. It is FURTHER ORDERED that OIG will produce those records to OCM in full or accompanied by an appropriate Vaughn index accounting for any information withheld pursuant to a FOIA exemption. It is FURTHER ORDERED that by no later than January 17, 2017, OIG shall file a declaration explaining the basis for its decision to reprocess a portion of the records previously withheld as non-responsive. It is FURTHER ORDERED that by no later than February 8, 2017, the parties shall submit an interim status report, which shall inform the Court of the progress of NCBA's review of records for confidential and proprietary business information. It is FURTHER ORDERED that by no later than February 17, 2017, NCBA shall complete its review of records and make its recommendation to AMS as to whether any records contain NCBA's confidential and proprietary business information that should not be disclosed to OCM. It is FURTHER ORDERED that by no later than February 28, 2017, the parties shall file a supplemental status report, which shall include a scheduling recommendation for concluding the records review consistent with the terms of the Minute Order of November 2, 2016. It is FURTHER ORDERED that the agency representatives and counsel present at the December 13, 2016 status conference shall be present at the March 8, 2017 status conference at 10:30 a.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 12/19/2016. (lcegs3) (Entered: 12/19/2016) |
| 12/19/2016 |           | Set/Reset Deadlines: OIG Declaration due by 1/17/2017. Interim Status Report due by 2/8/2017. Supplemental Status Report due by 2/28/2017. (mac) (Entered: 12/19/2016)   |
| 01/17/2017 | <u>50</u> | NOTICE <i>to the Court</i> by OFFICE OF INSPECTOR GENERAL re Order on Motion for Order,,,,,, (Attachments: # <u>1</u> Declaration Alison Decker)(Campbell, Rhonda) (Entered: 01/17/2017)   |

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| 01/17/2017 | <u>51</u> | ERRATA <i>Declaration of Alison Decker</i> by OFFICE OF INSPECTOR GENERAL <u>50</u> Notice (Other) filed by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 01/17/2017)   |
| 01/19/2017 |           | MINUTE ORDER. On December 19, 2016, the Court ordered OIG to file a declaration, by no later than January 17, 2017, explaining the basis for its decision to reprocess a portion of the records previously withheld as non-responsive. On January 17, 2017, OIG provided <u>50</u> , <u>51</u> notice to the Court that it was filing the ordered declaration but neither of OIG's filings appears to include the noticed declaration. Accordingly, OIG is ORDERED to file the declaration forthwith. Signed by Judge Emmet G. Sullivan on 01/19/2017. (lcegs3) (Entered: 01/19/2017)   |
| 01/19/2017 | <u>52</u> | ERRATA <i>Declaration of Alison Decker</i> by OFFICE OF INSPECTOR GENERAL <u>50</u> Notice (Other) filed by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 01/19/2017)   |
| 02/08/2017 | <u>53</u> | Interim STATUS REPORT by NATIONAL CATTLEMEN'S BEEF ASSOCIATION. (Schwartz, Daniel) (Entered: 02/08/2017)  |
| 02/17/2017 | <u>54</u> | NOTICE by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Schwartz, Daniel) (Entered: 02/17/2017)  |
| 02/28/2017 | <u>55</u> | Joint STATUS REPORT ( <i>Supplemental</i> ) by NATIONAL CATTLEMEN'S BEEF ASSOCIATION. (Schwartz, Daniel) (Entered: 02/28/2017)  |
| 03/07/2017 |           | MINUTE ORDER. Due to the Court's calendar, it is necessary to reschedule the status conference currently scheduled for March 8, 2017. The status conference will now take place on March 22, 2017 at 2:30 p.m. in Courtroom 24A. It is FURTHER ORDERED that the agency representatives and counsel present at the December 13, 2016 status conference shall be present at the March 22, 2017 status conference. Signed by Judge Emmet G. Sullivan on 03/7/2017. (lcegs3) (Entered: 03/07/2017)  |
| 03/08/2017 |           | Set/Reset Hearings: Status Conference set for 3/22/2017 at 2:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 03/08/2017)   |
| 03/22/2017 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 3/22/2017. Parties to submit a Proposed Order by 3/31/2017. Joint Status Report due by 5/15/2017. (Court Reporter Scott Wallace) (nbn) (Entered: 03/23/2017)  |
| 03/24/2017 | <u>56</u> | NOTICE of Proposed Order ( <i>JOINT</i> ) by ORGANIZATION FOR COMPETITIVE MARKETS (Penzer, Matthew) (Entered: 03/24/2017)   |
| 03/25/2017 |           | MINUTE ORDER. It is hereby ORDERED that by no later than March 31, 2017 OIG and AMS shall complete their processing of the remaining records under review, provide to OCM those records they have determined to disclose, and provide an appropriate Vaughn index to OCM for the information being withheld as confidential and proprietary business information. It is FURTHER ORDERED that by no later than May 15, 2017 the parties shall file a joint status report, which shall include a recommended briefing schedule for dispositive motions. Signed by Judge Emmet G. Sullivan on 03/25/2017. (lcegs3) (Entered: 03/25/2017)                       |
| 03/27/2017 |           | Set/Reset Deadlines: Joint Status Report due by 5/15/2017. (mac) (Entered: 03/27/2017)  |
| 05/15/2017 | <u>57</u> | Joint STATUS REPORT and <i>Proposed Briefing Schedule</i> by NATIONAL CATTLEMEN'S BEEF ASSOCIATION. (Harrison, Bryan) (Entered: 05/15/2017)   |
| 05/15/2017 |           | MINUTE ORDER. In view of the parties' <u>57</u> joint status report, the parties are directed to comply with the following briefing schedule: OIG and NCBA shall file their motions for summary judgment by no later than July 28, 2017; OCM shall file its opposition and, if applicable, combined cross-motion for summary judgment by no later than August 30, 2017; OIG and NCBA shall file their replies and, if applicable, combined oppositions by no later than September 20, 2017; and OCM shall file its reply, if applicable, by no later than October 11, 2017. Signed by Judge Emmet G. Sullivan on 05/15/2017. (lcegs3) (Entered: 05/15/2017) |



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| 05/16/2017 |           | Set/Reset Deadlines: OIG and NCBA Motions For Summary Judgment due by 7/28/2017. OCM Opposition And, If Applicable, Combined Cross-Motion For Summary Judgment due by 8/30/2017. OIG and NCBA Replies And, If Applicable, Combined Oppositions due by 9/20/2017. OCM Reply, If Applicable due by 10/11/2017. (mac) (Entered: 05/16/2017)   |
| 07/11/2017 | <u>58</u> | MOTION for Briefing Schedule <i>Modification</i> by OFFICE OF INSPECTOR GENERAL (Campbell, Rhonda) (Entered: 07/11/2017)   |
| 07/13/2017 | <u>59</u> | RESPONSE re <u>58</u> MOTION for Briefing Schedule <i>Modification</i> filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Penzer, Matthew) (Entered: 07/13/2017)  |
| 07/14/2017 |           | MINUTE ORDER granting in part and denying in part <u>58</u> Defendant OIG's Motion to Modify the Briefing Schedule. Given that OIG and defendant-intervenor NCBA have already had two months to work on preparation of their summary judgment motions since the Court issued a briefing schedule on May 15, 2017, plaintiff OCM's suggestion of a two-week extension of time, see Pl.'s Resp. to Def. OIG's Mot. to Modify the Briefing Schedule, ECF No. 59 at 3 n.3, is eminently reasonable. Accordingly, the parties shall now comply with the following briefing schedule: OIG and NCBA shall file their motions for summary judgment by no later than August 11, 2017; OCM shall file its opposition and, if applicable, combined cross-motion for summary judgment by no later than September 13, 2017; OIG and NCBA shall file their replies and, if applicable, combined oppositions by no later than October 4, 2017; and OCM shall file its reply, if applicable, by no later than October 25, 2017. The Court will be very reluctant to grant any more extensions of time. Signed by Judge Emmet G. Sullivan on 07/14/2017. (lcegs3) (Entered: 07/14/2017) |
| 07/14/2017 |           | Set/Reset Deadlines: OIG and NCBA Motions For Summary Judgment due by 8/11/2017. OCM Opposition, And, If Applicable, Combined Cross-Motion For Summary Judgment due by 9/13/2017. OIG and NCBA Shall File Their Replies And, If Applicable, Combined Oppositions due by 10/04/2017. OCM Shall File Its Reply, If Applicable, due by 10/25/2017. (mac) (Entered: 07/14/2017)  |
| 07/31/2017 | <u>60</u> | STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 7/31/2017. (Attachments: # <u>1</u> Exhibit) (lcegs1) (Entered: 07/31/2017)  |
| 08/11/2017 | <u>61</u> | VACATED PURSUANT TO MINUTE ORDER FILED 10/24/2017.....MOTION for Summary Judgment by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Index, # <u>3</u> Declaration 3/21/2017 Declaration of Douglas L. Evans, # <u>4</u> Declaration 8/9/2017 Supplemental Declaration of Douglas L. Evans, # <u>5</u> Exhibit A – OCM Press Releases, Newsletters, and Websites, # <u>6</u> Exhibit B –OCM Social Media Postings, # <u>7</u> Exhibit C – HSUS Press Releases and Website)(Schwartz, Daniel) Modified on 10/25/2017 (znmw). (Entered: 08/11/2017)  |
| 08/11/2017 | <u>62</u> | VACATED PURSUANT TO MINUTE ORDER FILED 10/24/2017.....MOTION for Summary Judgment by OFFICE OF INSPECTOR GENERAL (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Decker Declaration, # <u>4</u> Exhibit OIG Exhibits 1–60, # <u>5</u> Declaration Trykowski Declaration, # <u>6</u> Exhibit 1 AMS, # <u>7</u> Exhibit 2 AMS, # <u>8</u> Exhibit 3 AMS, # <u>9</u> Exhibit 4 AMS, # <u>10</u> Exhibit 5 AMS, # <u>11</u> Exhibit 6 AMS, # <u>12</u> Exhibit 7 AMS, # <u>13</u> Exhibit 8 AMS, # <u>14</u> Exhibit 9 AMS, # <u>15</u> Exhibit 10 AMS)(Campbell, Rhonda) Modified on 10/25/2017 (znmw). (Entered: 08/11/2017)   |
| 08/24/2017 | <u>63</u> | NOTICE to the Court by OFFICE OF INSPECTOR GENERAL re <u>62</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit Corrected Vaughn)(Campbell, Rhonda) (Entered: 08/24/2017)   |
| 08/31/2017 | <u>64</u> | MOTION to Amend/Correct <i>the Briefing Schedule</i> by ORGANIZATION FOR COMPETITIVE MARKETS (Attachments: # <u>1</u> Text of Proposed Order)(Penzer, Matthew) (Entered: 08/31/2017)   |

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| 09/05/2017 |           | MINUTE ORDER staying the Court's July 14, 2017 briefing schedule in light of <u>64</u> plaintiff's motion to amend/correct the briefing schedule. Defendants are directed to file a response, if any, to plaintiff's requested relief in light of <u>63</u> defendant's corrected Vaughn index no later than 12:00 p.m. on September 13, 2017. Plaintiff's reply, if any, shall be filed no later than 12:00 p.m. on September 20, 2017. The Court will issue a revised briefing schedule after making a determination on appropriate relief, if any. Signed by Judge Emmet G. Sullivan on 9/5/2017. (lcegs3) (Entered: 09/05/2017)   |
| 09/06/2017 |           | Set/Reset Deadlines: Defendants Response, If Any, To Plaintiff's Requested Relief In Light Of <u>63</u> Defendant's Corrected Vaughn Index due on 9/13/2017 by 12:00PM. Plaintiff's Reply. If Any, due on 9/20/2017 by 12:00PM. (mac) (Entered: 09/06/2017)   |
| 09/12/2017 | <u>65</u> | RESPONSE re <u>64</u> MOTION to Amend/Correct <i>the Briefing Schedule</i> filed by NATIONAL CATTLEMEN'S BEEF ASSOCIATION. (Harrison, Bryan) (Entered: 09/12/2017)  |
| 09/13/2017 | <u>66</u> | Memorandum in Opposition re <u>64</u> MOTION to Amend/Correct <i>the Briefing Schedule</i> filed by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) Modified event title on 9/14/2017 (nmw). (Entered: 09/13/2017)  |
| 09/20/2017 | <u>67</u> | REPLY re <u>66</u> Response to Order of the Court ( <i>re Motion to Amend/Correct the Briefing Schedule</i> ) filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Attachments: # <u>1</u> Exhibit)(Penzer, Matthew) (Entered: 09/20/2017)   |
| 10/24/2017 |           | MINUTE ORDER granting in part and denying in part <u>64</u> plaintiff's motion to amend the briefing schedule. It is first ordered, in light of the lack of opposition, that all communication in this matter be made through counsel of record. It is further ordered, given plaintiff's consent, that defendant USDA shall undertake the solution it proposed in <u>66</u> its opposition memorandum. The USDA shall therefore review its Vaughn indexes and produce a cross-referenced list, providing plaintiff with "references to pages that contained separate OIG-processed information and AMS-processed information." Additionally, if the defendant finds that it "did not properly process information," it shall "promptly process and provide the information to the plaintiff." The USDA shall provide this list and any improperly processed information to OCM no later than November 27, 2017. It is further ordered that defendant USDA shall file notice by November 30, 2017 indicating whether there are further records to produce or redaction justifications to revise. In view of <u>63</u> USDA's notice regarding the revised Vaughn index and new records produced, it is further ordered that <u>61</u> , <u>62</u> defendants' motions for summary judgment are hereby VACATED. Finally, the summary judgment briefing schedule remains stayed. The Court will issue a new schedule pending USDA's review of its Vaughn indexes. Signed by Judge Emmet G. Sullivan on 10/24/2017. (lcegs3) (Entered: 10/24/2017) |
| 10/25/2017 |           | Set/Reset Deadlines: USDA To File Notice Indicating Whether There Are Further Records To Produce Or Redaction Justifications To Revise due by 11/30/2017. (mac) (Entered: 10/25/2017)   |
| 11/30/2017 | <u>68</u> | NOTICE to the Court by OFFICE OF INSPECTOR GENERAL re Order on Motion for Summary Judgment,,,,,, Order on Motion to Amend/Correct,,,, (Attachments: # <u>1</u> Exhibit A-F)(Campbell, Rhonda) (Entered: 11/30/2017)   |
| 12/05/2017 |           | MINUTE ORDER in view of <u>68</u> , government's notice to the court concerning the status of its document production, it is ordered that the government shall produce any and all revised redaction justifications to the plaintiff by December 20, 2017. It is further ordered that the parties shall submit a Joint Status Report updating the Court as to the status of document production and proposing a briefing schedule, if appropriate, by January 12, 2018. Signed by Judge Emmet G. Sullivan on 12/5/2017. (lcegs3) (Entered: 12/05/2017)  |
| 12/06/2017 |           | Set/Reset Deadlines: Government To Produce Any And All Revised Redaction Justifications To The Plaintiff due by 12/20/2017. Joint Status Report due by 1/12/2018. (mac) (Entered: 12/06/2017)   |
| 01/12/2018 | <u>69</u> | MOTION for Briefing Schedule <i>and Status Report</i> by NATIONAL CATTLEMEN'S BEEF ASSOCIATION, OFFICE OF INSPECTOR GENERAL (Attachments: # <u>1</u> Text of Proposed Order)(Schwartz, Daniel) (Entered: 01/12/2018)  |

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| 01/12/2018 | <u>70</u> | STATUS REPORT by ORGANIZATION FOR COMPETITIVE MARKETS. (Penzer, Matthew) (Entered: 01/12/2018)   |
| 01/12/2018 | 71        | STATUS REPORT by NATIONAL CATTLEMEN'S BEEF ASSOCIATION, OFFICE OF INSPECTOR GENERAL. (See Docket Entry <u>69</u> to view document). (znmw) (Entered: 01/16/2018)   |
| 01/17/2018 |           | MINUTE ORDER denying <u>69</u> and 71 USDA/NCBA's status report and granting in part <u>70</u> OCM's status report. The original summary judgment briefing schedule entered by the Court on May 15, 2017, upon <u>57</u> request of all parties, directed USDA and NCBA to file their motions for summary judgment first. OCM was directed to file its opposition and a cross-motion for summary judgment second. The original schedule was stayed due to the USDA's incomplete document production. USDA and NCBA have not provided good cause to alter the original schedule to require that all parties file their motions at the same time. It is therefore ordered that the parties should adhere to the following briefing schedule: USDA and NCBA shall file their motions for summary judgment by February 21, 2018; OCM shall file its opposition and any cross-motion for summary judgment, if applicable, by March 28, 2018; USDA and NCBA shall file its opposition to any cross-motion for summary judgment and its reply in support of its motion for summary judgment by April 18, 2018; OCM shall file its reply in support of its cross-motion for summary judgment, if applicable, by May 9, 2018. USDA and NCBA are not required to "conform" their previously filed summary judgment motions, as OCM requests, because those motions were vacated in the Court's October 24, 2017 Minute Order. Signed by Judge Emmet G. Sullivan on 1/17/2018. (lcegs3) (Entered: 01/17/2018) |
| 01/17/2018 |           | Set/Reset Deadlines: USDA and NCBA Motions For Summary Judgment due by 2/21/2018. OCM Opposition And Any Cross-Motion For Summary Judgment, If Applicable, due by 3/28/2018. USDA and NCBA Opposition To An Cross-Motion For Summary Judgment And Its Reply In Support Of Its Motion For Summary Judgment due by 4/18/2018. OCM Reply In Support Of Its Cross-Motion For Summary Judgment, If Applicable, due by 5/9/2018. (mac) (Entered: 01/17/2018)   |
| 02/16/2018 | <u>72</u> | MOTION to Stay re Order on Motion for Briefing Schedule,,,,, , MOTION for Order <i>for Defendant USDA to Comply with 7 C.F.R. 1.12</i> , MOTION to Expedite <i>Responses to Motion</i> , MOTION for Hearing re Order on Motion for Briefing Schedule,,,,, by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order)(Schwartz, Daniel) (Entered: 02/16/2018)  |
| 02/16/2018 |           | MINUTE ORDER granting in part and holding in abeyance in part <u>72</u> NCBA's opposed motion to stay summary judgment briefing schedule and order defendant USDA to comply with 7 C.F.R. 1.12. In view of NCBA's contention that USDA has found "a significant number of potentially responsive records that contain potentially sensitive proprietary information," the summary judgment schedule set forth in the Court's January 17, 2018 Minute Order is hereby stayed. The USDA is ordered to respond to NCBA's motion by February 23, 2018. Plaintiff OCM shall file its response, if any, to both filings by March 2, 2018. Signed by Judge Emmet G. Sullivan on 2/16/2018. (lcegs3) (Entered: 02/16/2018)   |
| 02/20/2018 |           | Set/Reset Deadlines: USDA Response To NCBA'S Motion due by 2/23/2018. Plaintiff OCM Response, If Any, due by 3/2/2018. (mac) (Entered: 02/20/2018)   |
| 02/23/2018 | <u>73</u> | NOTICE <i>to the Court</i> by OFFICE OF INSPECTOR GENERAL re Order on Motion to Stay,,, Order on Motion for Order,,, Order on Motion to Expedite,,, Order on Motion for Hearing,,, (Attachments: # <u>1</u> Declaration Alison Decker, # <u>2</u> Declaration David Trykowski)(Campbell, Rhonda) (Entered: 02/23/2018)   |
| 03/02/2018 | <u>74</u> | RESPONSE re Order on Motion to Stay,,, Order on Motion for Order,,, Order on Motion to Expedite,,, Order on Motion for Hearing,,, filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Penzer, Matthew) (Entered: 03/02/2018)   |
| 03/06/2018 |           | MINUTE ORDER in view of <u>72</u> , <u>73</u> , and <u>74</u> parties' notices regarding USDA's latest document production, the Court sua sponte schedules a status hearing for April 2, 2018 at 12:00 pm in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 3/6/2018. (lcegs3) (Entered: 03/06/2018)  |

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| 03/08/2018 |           | Set/Reset Hearings: Status Conference set for 4/2/2018 at 12:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 03/08/2018)   |
| 03/27/2018 |           | MINUTE ORDER Due to the Court's calendar, it is necessary to reschedule the status conference currently scheduled for April 2, 2018. The status conference will now take place on April 4, 2018 at 3:00 p.m. in Courtroom 24A. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on 3/27/2018. (lcegs3) (Entered: 03/27/2018)   |
| 03/27/2018 |           | Set/Reset Hearings: Status Conference set for 4/4/2018 at 3:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 03/27/2018)  |
| 03/28/2018 | <u>75</u> | Joint MOTION to Continue <i>change the hearing date</i> by OFFICE OF INSPECTOR GENERAL (Campbell, Rhonda) Modified event title on 3/29/2018 (znmw). (Entered: 03/28/2018)   |
| 03/28/2018 |           | MINUTE ORDER granting joint motion for extension of time to change the hearing date. The status conference currently scheduled for April 4, 2018 is therefore VACATED. The status conference will now take place on April 9, 2018 at 12:00 pm in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 3/28/2018. (lcegs3) (Entered: 03/28/2018)  |
| 03/29/2018 |           | Set/Reset Hearings: Status Conference set for 4/9/2018 at 12:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 03/29/2018)   |
| 04/09/2018 |           | Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 4/9/2018. The Next Status Conference Is Scheduled For 9/13/2018 at 10:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. The Court Will Issue An Order. (Court Reporter SCOTT WALLACE.) (mac) (Entered: 04/09/2018)   |
| 04/12/2018 | <u>76</u> | ORDER directing defendants to finalize production by August 31, 2018; granting <u>72</u> NCBA's motion to compel; and, in the event of noncompliance with this Order, ordering certain agency officials to appear in court on September 13, 2018 at 10:00 am in Courtroom 24A to show cause why they should not be held in contempt of court. Signed by Judge Emmet G. Sullivan on 4/11/2018. (lcegs3) (Entered: 04/12/2018)  |
| 04/16/2018 |           | Set/Reset Deadlines: Vaughn Index due by 8/31/2018. Defendants Notice due by 8/31/2018. (mac) (Entered: 04/16/2018)   |
| 05/29/2018 | <u>77</u> | Joint MOTION for Order <i>Requiring Return of Documents and for Immediate Protective Order Pendente Lite Against Distribution or Publication of Information</i> by NATIONAL CATTLEMEN'S BEEF ASSOCIATION, OFFICE OF INSPECTOR GENERAL (Attachments: # <u>1</u> Declaration of Douglas L. Evans, # <u>2</u> Exhibit 1 to Evans Decl – July 24, 2013 USDA AMS Letter to OCM, # <u>3</u> Exhibit 2 to Evans Decl – Representative Redacted Samples, # <u>4</u> Text of Proposed Order (Proposed Protective Order Pendente Lite), # <u>5</u> Text of Proposed Order (Proposed Order Returning Records))(Schwartz, Daniel). Added MOTION for Protective Order on 5/31/2018 (jf). (Entered: 05/29/2018) |
| 05/30/2018 |           | MINUTE ORDER directing OCM to respond to <u>77</u> defendants' joint motion for order requiring return of documents and for a protective order by no later than June 7, 2018. Signed by Judge Emmet G. Sullivan on 5/30/2018. (lcegs3) (Entered: 05/30/2018)  |
| 05/31/2018 |           | Set/Reset Deadlines: OCM Response To <u>77</u> Defendants Joint Motion For Order Requiring Return Of Documents And For A Protective Order due by 6/7/2018. (mac) (Entered: 05/31/2018)  |
| 05/31/2018 | <u>78</u> | MOTION for Reconsideration re Order by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order)(Harrison, Bryan) (Entered: 05/31/2018)  |
| 06/01/2018 |           | MINUTE ORDER granting <u>78</u> NCBA's motion for reconsideration. NCBA has shown good cause for an immediate protective order pendente lite against distribution or publication of potentially sensitive information. It is therefore ORDERED that OCM shall refrain from copying, disseminating, disclosing, or otherwise making public any portion of the 7,544 pages of records produced to it by the USDA on July 24, 2013 until further Order of this Court. As ordered in the Court's May 30, 2018 Minute Order, OCM shall respond to <u>77</u> NCBA's motion by no later than June 7, 2018. Signed  |



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|            |           | by Judge Emmet G. Sullivan on 6/1/2018. (lcegs3) (Entered: 06/01/2018)   |
| 06/06/2018 | <u>79</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>77</u> Joint MOTION for Order <i>Requiring Return of Documents and for Immediate Protective Order Pendente Lite Against Distribution or Publication of Information</i> MOTION for Protective Order by ORGANIZATION FOR COMPETITIVE MARKETS (Attachments: # <u>1</u> Text of Proposed Order)(Penzer, Matthew) (Entered: 06/06/2018)  |
| 06/08/2018 |           | MINUTE ORDER granting <u>79</u> unopposed motion for extension of time to file response to <u>77</u> joint motion for protective order. Plaintiff shall therefore respond by June 14, 2018. Signed by Judge Emmet G. Sullivan on 6/8/2018. (lcegs3) (Entered: 06/08/2018)  |
| 06/11/2018 |           | Set/Reset Deadlines: Plaintiff Response due by 6/14/2018. (mac) (Entered: 06/11/2018)  |
| 06/14/2018 | <u>80</u> | RESPONSE re <u>77</u> Joint MOTION for Order <i>Requiring Return of Documents and for Immediate Protective Order Pendente Lite Against Distribution or Publication of Information</i> MOTION for Protective Order, <u>78</u> MOTION for Reconsideration re Order filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Penzer, Matthew) (Entered: 06/14/2018)  |
| 06/15/2018 |           | MINUTE ORDER directing defendants to respond to file a reply to <u>80</u> OCM's response by no later than June 22, 2018. Signed by Judge Emmet G. Sullivan on 6/15/2018. (lcegs3) (Entered: 06/15/2018)  |
| 06/18/2018 |           | Set/Reset Deadlines: Defendants Response To <u>80</u> OCM's Response due by 6/22/2018. (mac) (Entered: 06/18/2018)   |
| 06/21/2018 | <u>81</u> | REPLY to opposition to motion re <u>77</u> Joint MOTION for Order <i>Requiring Return of Documents and for Immediate Protective Order Pendente Lite Against Distribution or Publication of Information</i> MOTION for Protective Order filed by NATIONAL CATTLEMEN'S BEEF ASSOCIATION. (Schwartz, Daniel) (Entered: 06/21/2018)  |
| 06/22/2018 | <u>82</u> | REPLY re <u>77</u> Joint Motion for Order Requiring Return of Documents and for Protective Order filed by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) Modified on 6/25/2018 to correct docket link/text (jf). (Entered: 06/22/2018)  |
| 06/25/2018 |           | MINUTE ORDER granting <u>77</u> NCBA's motion for order requiring return of documents and protective order. The Court is dismayed to learn that the government produced over 7,000 pages in 2013 without seeking NCBA's review pursuant to 7 C.F.R. 1.12. However, after reviewing the motion, opposition, and replies, the Court finds good cause to allow NCBA to review the pages already produced to OCM for confidential or proprietary information. See <u>76</u> Order (ordering the government to comply with its regulations and allow NCBA to review responsive records for privileged or confidential information). It is therefore ORDERED that plaintiff OCM shall return to USDA's counsel of record the 7,544 pages produced to it by USDA on July 24, 2013 and any copies of those pages in any format by no later than July 2, 2018. OCM shall file notice certifying that it has returned those records by no later than July 2, 2018. Additionally, OCM shall not copy, disseminate, disclose, or otherwise make public any portion of the July 24, 2013 records until document production is completed on August 31, 2018. It is further ordered that the July 24, 2013 records shall be reviewed and produced to OCM as part of the government's final document production by no later than August 31, 2018. Any applicable exemptions shall be included in the government's final Vaughn index, also due on August 31, 2018. The Court reminds the government that it does not intend to modify the August 31, 2018 final compliance date. See <u>76</u> Order ("in the event the defendants have not fully complied with this Order by August 31, 2018, USDA Secretary... Acting Administrator of AMS... and USDA Inspector General... shall appear in Court on September 13, 2018). Signed by Judge Emmet G. Sullivan on 6/25/2018. (lcegs3) (Entered: 06/25/2018) |
| 07/02/2018 | <u>83</u> | NOTICE by ORGANIZATION FOR COMPETITIVE MARKETS (Penzer, Matthew) (Entered: 07/02/2018)   |
| 08/13/2018 | <u>84</u> | NOTICE to the Court by OFFICE OF INSPECTOR GENERAL re Order on Motion for Order,,,,,,, Order on Motion for Protective Order,,,,,, (Campbell, Rhonda)   |

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|            |           | (Entered: 08/13/2018)  |
| 08/31/2018 | <u>85</u> | NOTICE to the Court by OFFICE OF INSPECTOR GENERAL re <u>76</u> Order on Motion for Order, (Attachments: # <u>1</u> Declaration Decker, # <u>2</u> Declaration Trykowski)(Campbell, Rhonda) (Entered: 08/31/2018)  |
| 09/11/2018 | <u>86</u> | Joint MOTION to Vacate Order on Motion for Order,,,,,, Order on Motion for Protective Order,,,,,, to Vacate the September 13, 2018 and Proposed Briefing Schedule by OFFICE OF INSPECTOR GENERAL (Campbell, Rhonda) (Entered: 09/11/2018)  |
| 09/12/2018 |           | MINUTE ORDER granting <u>86</u> joint motion to vacate the status conference. In light of <u>85</u> the government's notice that it had complied with the Court's Order and finalized production, the status hearing scheduled for September 13, 2018 is hereby VACATED. The parties shall adhere to the following briefing schedule: (1) defendants' motion for summary judgment shall be filed by November 14, 2018; (2) plaintiff's cross-motion for summary judgment and opposition shall be filed by January 9, 2019; (3) defendants' opposition and reply shall be filed by January 30, 2019; (4) plaintiff's reply shall be filed by February 20, 2019. Signed by Judge Emmet G. Sullivan on 9/12/2018. (lcegs3) (Entered: 09/12/2018)  |
| 11/14/2018 | <u>87</u> | MOTION for Summary Judgment , <i>MOTION for Hearing</i> by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Index, # <u>4</u> Declaration Second Supplemental Evans Declaration, # <u>5</u> Exhibit 1 – March 2017 Evans Declaration, # <u>6</u> Exhibit 2 – August 2017 Supplemental Evans Declaration, # <u>7</u> Exhibit 3 OCM Press Releases, Newsletters, and Webpages, # <u>8</u> Exhibit 4 – OCM Social Media)(Schwartz, Daniel). (Entered: 11/14/2018)   |
| 11/14/2018 | <u>88</u> | Second MOTION for Summary Judgment by OFFICE OF INSPECTOR GENERAL (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Decker, # <u>4</u> Declaration Feeney, # <u>5</u> Exhibit OIG, # <u>6</u> Exhibit OIG, # <u>7</u> Declaration Brook, # <u>8</u> Exhibit AMS, # <u>9</u> Exhibit 1 AMS, # <u>10</u> Exhibit 2 AMS, # <u>11</u> Exhibit 3 AMS, # <u>12</u> Exhibit 4 AMS, # <u>13</u> Exhibit 5 AMS, # <u>14</u> Exhibit 6 AMS, # <u>15</u> Exhibit 7 AMS, # <u>16</u> Exhibit 8 AMS, # <u>17</u> Exhibit 9 AMS, # <u>18</u> Exhibit 10 AMS, # <u>19</u> Exhibit Att. 1 AMS, # <u>20</u> Exhibit Att. 2 AMS, # <u>21</u> Exhibit Att. 3 AMS, # <u>22</u> Exhibit Att. 4 AMS, # <u>23</u> Exhibit Att. 5 AMS, # <u>24</u> Exhibit Att 6 AMS, # <u>25</u> Exhibit Att. 7 AMS, # <u>26</u> Exhibit Att. 8 AMS, # <u>27</u> Exhibit Att. 9 AMS, # <u>28</u> Exhibit Att 10 AMS, # <u>29</u> Exhibit Att. 11 AMS, # <u>30</u> Exhibit Att. 12 AMS, # <u>31</u> Exhibit Att. 13 AMS, # <u>32</u> Exhibit Att. 14 AMS, # <u>33</u> Exhibit Att. 15 AMS, # <u>34</u> Exhibit Att. 16 AMS, # <u>35</u> Exhibit Att. 17 AMS)(Campbell, Rhonda) (Entered: 11/14/2018) |
| 11/15/2018 | <u>89</u> | ERRATA <i>Exhibit 10 with attachments</i> by OFFICE OF INSPECTOR GENERAL <u>88</u> Second MOTION for Summary Judgment filed by OFFICE OF INSPECTOR GENERAL. (Campbell, Rhonda) (Entered: 11/15/2018)   |
| 01/09/2019 | <u>90</u> | Cross MOTION for Summary Judgment by ORGANIZATION FOR COMPETITIVE MARKETS (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Statement of Facts, # <u>4</u> Statement of Facts)(Penzer, Matthew) (Entered: 01/09/2019)  |
| 01/09/2019 | <u>91</u> | Memorandum in opposition to re <u>88</u> Second MOTION for Summary Judgment , <u>87</u> MOTION for Summary Judgment filed by ORGANIZATION FOR COMPETITIVE MARKETS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Statement of Facts, # <u>4</u> Statement of Facts)(Penzer, Matthew) (Entered: 01/09/2019)   |
| 01/15/2019 | <u>92</u> | Consent MOTION to Stay <i>Summary Judgment Briefing Schedule</i> by NATIONAL CATTLEMEN'S BEEF ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order)(Harrison, Bryan) (Entered: 01/15/2019)  |